

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID and KAY SIEVERDING,

Plaintiffs,

v.

MURPHY DESMOND, LLC.,

Defendant,

ORDER

08-cv-252-bbc

On May 6, 2008, I dismissed this case on the court's own motion for lack of subject matter jurisdiction because plaintiffs' complaint contained no allegations of fact supporting their contention that defendant had violated their rights under federal or state law. On May 7, 2008, judgment was entered in favor of defendant Murphy Desmond, LLC. Now plaintiffs have filed a motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59.

Motions pursuant to Rule 59 must be made within ten days of the date of entry of the judgment in a case. A litigant's failure to meet the time limits of Rule 59 forecloses him or her from raising in the district court his assertions that errors of law have been made. United States v. Griffin, 782 F.2d 1393 (7th Cir. 1986). In calculating the ten-day period for filing a Rule 59 motion, intervening weekends and holidays are not counted.

Plaintiffs' Rule 59 motion is not timely. The applicable time limit expired on May 21, 2008 and cannot be extended. See Fed. R. Civ. P. 6(b). Plaintiff's motion was not filed until May 22, 2008. Accordingly, the motion must be denied.

ORDER

IT IS ORDERED that plaintiffs David and Kay Sieverding's motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59 is DENIED as untimely.

Entered this 30th day of May, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge